ADVERTISING AGE, June 29, 1970

FTC to Ask Info on Tar, Nicotine in Ads

WASHINGTON, June 26—The Federal Trade Commission has taken the first steps toward a rule which would require that all cigaret advertising include a disclosure of tar and nicotine yield information.

The commission has been publishing a quarterly ranking all cigarets by brand since October, 1968. The rule now being drafted by the commission's staff would require that the FTC ratings appear in ads, but it does not require similar information on labels.

Sen. Warren Magnuson (D., Wash.), chairman of the Senate commerce committee, has frequently suggested that the disclosure of tar and nicotine informa-

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tion in ads could lead to a "reverse tar derby" which would promote a shift to "safer" cigarets. As a step in that direction he made the initial moves which led to the FTC testing program.

Some FTC members feel the rule should apply to labels as well as ads. But a majority of the commission decided that a jurisdictional issue would arise, because Congress has passed cigaret labeling legislation which calls for a warning, and appears to preempt any other form of labeling regulation.

■ In earlier procedures, when FTC proposed to require health hazard warnings in ads, attorneys for the tobacco industry warned they would challenge the authority of the commission to issue rules. The decision to consider a rule requiring tar and nicotine information in ads appears to indicate a willingness on the part of the commission to submit to a court test if the tobacco companies decide to contest the action.

■ The tar and nicotine disclosure proposal is still in preliminary stages. At a recent meeting, FTC voted to instruct the staff to prepare the necessary documents. After a proposal is drafted and approved by the commission, it will be published for public comment. On the basis of hearings and other procedures, the commission then decides whether or not to issue a rule. ≠

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